

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BILL LIETZKE,

Plaintiff,

Case No. 17-12920

v.

Hon. John Corbett O'Meara

CITY OF MONTGOMERY and  
KEVIN MURPHY,

Defendants.

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**ORDER GRANTING APPLICATION TO PROCEED  
IN FORMA PAUPERIS AND DISMISSING COMPLAINT**

Appearing pro se, Plaintiff Bill Lietzke filed a complaint and application to proceed without prepayment of fees on August 28, 2017. The court finds Plaintiff's application to proceed *in forma pauperis* to be facially sufficient and, therefore, grants Plaintiff's motion to proceed without prepayment of fees. See 28 U.S.C. § 1915(a); Gibson v. R.G. Smith Co., 915 F.2d 260, 262 (6<sup>th</sup> Cir. 1990).

Once a court grants a plaintiff permission to proceed *in forma pauperis*, it must review the complaint pursuant to 28 U.S.C. § 1915(e). The court "shall dismiss" the case if the court finds that it is "(i) frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B).

Plaintiff, who lives in Montgomery, Alabama, has sued the City of Montgomery and Kevin Murphy for constitutional violations arising out of his detention by city police officers. Plaintiff has not alleged a basis for this court to exercise personal jurisdiction over the City of Montgomery, Alabama, or Kevin Murphy. Nor has Plaintiff alleged that the Eastern District of Michigan is the proper venue for this action, which appears to involve Alabama residents and claims that arose in Alabama. See 28 U.S.C. § 1391(b). Because it appears that Plaintiff's action is properly brought in Alabama, the court will dismiss Plaintiff's complaint without prejudice.

IT IS HEREBY ORDERED that Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.

s/John Corbett O'Meara  
United States District Judge

Date: October 17, 2017

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, October 17, 2017, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager